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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,515

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Keith N. Larson

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,515	<b>Applicant(s)</b> LARSON ET AL.	
	<b>Examiner</b> JOY K. CONTEE	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 06/19/09 with respect to claim 1 have been fully considered but they are not persuasive. Applicant emphasizes that the claim requires determining that the user is located in said geographical area and that the user is a member of a class intended to receive said alert. Examiner contends that the combination of Navarro and Stevens reads on the aforementioned. Applicant argues that Stevens makes only one determination. However, and as included in the body of the Final Rejection, Examiner relies on Stevens to meet the determining that the user is a member of class intended to receive said alert since Stevens describes subscribers that are subscribed to a home area but are roaming at the time of "trouble" within the home area) (see Figs. 1 & 4, col. 4, lines 35-42). Hence the Steven's analogous class intended to receive said alert would comprise roaming subscribers whose home area is in a troubled geographical area.

Applicant's arguments, see Remarks, filed 6/19/09, with respect to the rejection(s) of claim(s) 5 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of previously used Stevens, US 6,745,021.

Applicant's arguments, see Remarks, filed 6/19/09, with respect to the rejection(s) of claim(s) 7 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further

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consideration, a new ground(s) of rejection is made in view of recently discovered Marinier, US Patent No. 6,933,890.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Navarro, U.S. Patent Application Pub. 2003/0143974, previously used, in view of Stevens, US 6,745,021.

Regarding claims 1 and 8, Navarro discloses a method (and system) for a cell phone service provider to communicate to a cell phone user, said user located in a particular local geographical area, an alert message that effects that particular local geographical area, said method comprising the steps of: determining the user is located in said geographical area; receiving said alert message from a reporting agency, said message containing information as to locations effected; determining cellular phone cells that are serviced by the cell phone service provider and that are in the effected locations; and, providing to the user at least one communication advising him of the alert message (para. 0019).

Navarro fails to explicitly disclose determining that the user is a member of a class intended to receive an alert.

In a similar field of endeavor, Stevens discloses determining that the user is a member of a class intended to receive an alert (reads on mobile subscribers on list of subscribers located in a troubled geographical (or subscribed to home area that is trouble while roaming) having special instructions of how to be alerted)(see Figs. 1 & 4, col. 2, lines 43-55 and col. 4, lines 5-49).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Navarro to include determining that the user is a member of a class intended to receive an alert for the purpose of contacting only users subscribing exclusively desiring an specific type of an alert (see Stevens, col. 4,lines 4-59).

Regarding claims 2 and 9, Navarro and Stevens discloses the method of claim 1 wherein the reporting agency is selected from the group consisting of National Weather Service, National Oceanographic and Atmospheric Administration, Amber Alert Systems, State Police, Fire Department, local government agency, and local police (reads on emergency warning system)(see Stevens, col. 2,lines 23-30).

Regarding claims 3 and 10, Navarro and Stevens discloses the method of claim 1 wherein said communication is selected from the group consisting of displaying information, triggering an audio alert, and supplying a voice message (see Stevens, col. 1,lines 64-67)).

Regarding claims 4 and 11, Navarro and Stevens discloses the method of claim 1 further comprising the step of: permitting the user to limit said providing step based upon subject content of the message (see Stevens, col. 3,lines 5-35)).

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Regarding claims 5 and 12, Navarro and Stevens discloses the method of claim 1 further comprising the step of: inherently permitting the user to limit the frequency at which said communications are provided to him (reads on subscriber including special instructions in the profile that indicates if they only want to receive the emergency notification message for specific weather conditions (e.g., tornado warning) (see Stevens, col. 4, lines 17-35).

4. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Navarro, U.S. Patent Application Pub. 2003/0143974, in view of Stevens, US 6,745,021, both previously used, in further view of recently discovered Marinier, US 6,933,890.

Regarding claims 7 and 14, Navarro and Stevens discloses the method of claim 1 but fail to explicitly disclose further comprising the steps of: defining the location of a destination contained in the message; and, communicating to the user directions from his present location to said destination.

In a similar field of endeavor, Marinier discloses defining the location of a destination contained in the message; and, communicating to the user directions from his present location to said destination (col.5, line 66 to col. 6, line 12).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include providing the user with directions to a destination defined in said message since Stevens suggest providing safety information depending on the type of emergency situation (see col. 2, lines 49-55).

***Conclusion.***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOY K. CONTEE whose telephone number is (571)272-7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

/Joy K Contee/  
Patent Examiner, Art Unit 2617